

#### IV. REMARKS

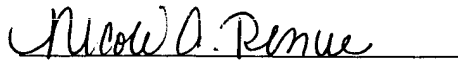
Preliminary amendments to limit the examination effort required for the claims have been made to submit certain embodiments of the present invention for examination in this initial application.

Importantly, it should be understood that the amendments submitted herein are made as a matter of practicality only, and should not to be construed as creating any situation of file wrapper estoppel or the like as all rights are expressly reserved and may be pursued in this or other applications, such as divisionals, continuations, or continuations-in-part if desired. Amendments are made for tangential issues of clarity and as a matter of the Office's convenience or expedience only. The amendments should not be interpreted as an action that in any way surrenders a particular equivalency, surrenders any right to patent coverage, or otherwise limits any rights that the Applicant may now or hereafter assert. It should be understood that, unless and to the extent deemed broadened by this amendment, and even as amended, the Applicant expressly reserves all rights, including but not limited to: all rights to maintain the scope of literal coverage with respect to any element as may have existed under the language previously presented, all rights to maintain the scope of equivalency coverage as may have existed under the language previously presented, and all rights to re-present the prior language at any time in this or any subsequent application. To the extent currently foreseeable, no change or reduction in *direct or* equivalency coverage is believed to exist, and no change or reduction in *direct or* equivalency coverage is intended through the presentation of this amendment.

Claims 2-6, 8, 9, 11-23, 26-28, 30, 31, 33, 35, 38-44, 46, 50, 51, 53-55, 58, 61-65, 67-68, 70-72, 76, 81-86, 88-95, and 97-169 have been cancelled and claims 24, 29, 32, 34, 36, 37, 45, 47, 52, 59, 66, 73-75, and 77-80 have been amended. Applicant requests that claims 1, 7, 10, 24, 25, 29, 32, 34, 36, 37, 45, 47-49, 52, 56, 57, 59, 60, 66, 69, 73-75, 77-80, 87 and 98 – each determined to have met the requirement for unity of invention during the international stage – be examined as a single group and allowed at the examiner's earliest convenience.

Dated this 9 day of December, 2005.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nicole A. Ressue", is written over a horizontal line.

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number:

Filed:

Applicants: Peter Falb, Charles W. Thaxter, Sr., David Clare, Victor Sacco, Jr.,  
Scott Leon, Shannon Lucia, Eric R. Rioux

Title: Diaphragm Metering Chamber Dispensing Systems

International Application No: PCT/US04/018642, Filed 09 June 2004

Original US Applications: 60/477,382, Filed 09 June 2003

TC/A.U:

Examiner:

Assignee: Dako Denmark A/S

Attorney Docket: DCDISPUSP154

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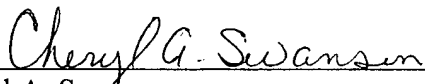
CERTIFICATE OF EXPRESS MAILING

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Preliminary Amendment with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 9<sup>th</sup> day of December, 2005.

  
Cheryl A. Swanson